

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *In the making of the Rockhampton Regional Council Internal Employees Certified Agreement 2022 [2022] QIRC 426*

PARTIES: **Rockhampton Regional Council**

AND

The Australian Workers' Union of Employees, Queensland

Queensland Services, Industrial Union of Employees

United Workers' Union, Industrial Union of Employees, Queensland

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees

Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland

CASE NO: CB/2022/105

PROCEEDING: Application for certification of an agreement

DELIVERED ON: 4 November 2022

HEARING DATE: 3 November 2022

HEARD AT: Brisbane

MEMBER: McLennan IC

ORDER: **1. *The Rockhampton Regional Council Internal Employees Certified Agreement 2022 is certified.***

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – application for certification of an agreement – requirements for certification – agreement certified

LEGISLATION: *Industrial Relations Act 2016 (Qld) s 189, s 227, s 228*

APPEARANCES:

Ms N Hope of the Local Government Association Queensland on behalf of the Rockhampton Regional Council

Mr J Maguire for Queensland Services, Industrial Union of Employees

Ms C Taylor of The Australian Workers' Union of Employees, Queensland

Mr S. Ong of United Workers' Union, Industrial Union of Employees, Queensland

Reasons for Decision

- [1] The Rockhampton Regional Council has made an application to certify an agreement pursuant to s 189 of the *Industrial Relations Act 2016* ("the Act"). As required by s 189(3) of the Act, the application was made within 21 days of the date on which the agreement was signed.
- [2] The agreement is made between the Rockhampton Regional Council and The Australian Workers' Union of Employees, Queensland and Queensland Services, Industrial Union of Employees and United Workers' Union, Industrial Union of Employees, Queensland and The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees and Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland.
- [3] The Commission is satisfied that all parties have agreed on the terms of the agreement, which were approved by a valid majority of relevant employees in a properly conducted ballot. While the agreement was not signed by The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees, the union provided email confirmation to my Associate on 31 October 2022 that "APESMA agrees to the terms therein." Under s 196(3)(b) of the Act, that is sufficient to satisfy the Commission in this case.
- [4] The agreement shall apply to the Rockhampton Regional Council, and persons employed by Rockhampton Regional Council in professional, technical, operational or administrative roles, who are members of the following unions or who are eligible to become so, and for whom a classification contained in the Certified Agreement applies:
- The Australian Workers' Union of Employees, Queensland;
 - Queensland Services, Industrial Union of Employees;
 - United Workers' Union, Industrial Union of Employees, Queensland;
 - The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees; and/or

- Automotive, Metals, Engineering, Printing and Kindred Industries, Industrial Union of Employees, Queensland.

However, the agreement shall not apply to any employee appointed to the position of Chief Executive Officer or senior officers pursuant to a written contract of employment as per s 4.2 of the *Queensland Local Government Industry (Stream A) Award – State 2017* Division 2 Section 1.

- [5] In certifying the agreement, the Commission has regard to the submissions of the parties and the affidavit of Mr Evan Anthony Pardon, Chief Executive Officer of Rockhampton Regional Council, sworn 28 September 2022.
- [6] The Commission determines that each relevant requirement under sub-div 2 of div 2 of pt 5 of the Act has been satisfied. Further, there is nothing in the agreement which would require the Commission to refuse to grant the application under sub-div 3 of div 2 of pt 5 of the Act.
- [7] The agreement operates from the day it is certified, namely 3 November 2022 and, although the nominal expiry date of the agreement is 1 July 2025, it continues to operate until it is terminated under s 227 or s 228 of the Act.
- [8] The application to certify the *Rockhampton Regional Council Internal Employees Certified Agreement 2022* is granted.
- [9] I make the following order:

- 1. The *Rockhampton Regional Council Internal Employees Certified Agreement 2022* is certified.**